

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

CHARLENE CARTER,	§	
	§	
Plaintiff,	§	CIVIL ACTION NO.
	§	
vs.	§	3:17-cv-02278-B
	§	
TRANSPORT WORKERS UNION OF	§	JURY DEMANDED
AMERICA, LOCAL 556,	§	
	§	
Defendant.	§	

DEFENDANT’S RULE 12(b)(6) MOTION TO DISMISS

Defendant TRANSPORT WORKERS UNION OF AMERICA, LOCAL 556 (“TWU 556”, “Local 556” or “Defendant”) asserts that Plaintiff has failed to state a claim upon which relief can be granted pursuant to Rule 12(b)(6), F.R.C.P., as more clearly stated in its Motion to Dismiss and Brief in Support thereof.

1. Plaintiff is not an employee of the union and thus cannot assert Retaliation Claims—Retaliation Claims require an “adverse employment action” by the employer—Southwest Airlines.
2. Plaintiff fails to plead any facts suggesting that Local 556 failed to meet its duty of fair representation.
3. Wherefore, for the above and foregoing reasons, under the requirements of *Iqbal* and *Twombly*, Plaintiffs have failed to plead sufficient facts to withstand Defendant’s Motion.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been served upon counsel for Plaintiff via the U.S. District Court, Northern District's CM/ECF system on September 15, 2017:

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